

# KENTUCKY BOARD OF DENTISTRY

FALL NEWSLETTER

2006

## OVERVIEW OF THE BOARD OF DENTISTRY

### BOARD MEMBERS 2006-2007

David Narramore, D.M.D.  
Whitesburg, Kentucky  
President

William Dew, D.M.D.  
Hopkinsville, Kentucky  
Vice-president

Hank Sleet, D.M.D., M.D.  
Florence, Kentucky  
Secretary-Treasurer

Jim Allen, D.M.D.  
Prospect, Kentucky

Chris Babcock, D.M.D., M.D.  
Louisville, Kentucky

Dianne Embry, R.D.H.  
Bowling Green, Kentucky

Doug Ferguson  
Knifley, Kentucky  
Consumer Member

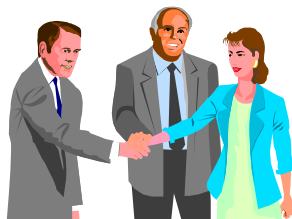
Julie Gaskill, D.D.S.  
Bowling Green, Kentucky

Laura Justice, D.M.D.  
Lexington, Kentucky

The Kentucky Board of Dentistry is governed by the Commonwealth of Kentucky and is a separate and distinct entity from any professional association. The main functions of the board are to regulate the dental profession and protect the public in matters related to dentistry. The board is self-supporting and does not receive a general fund tax appropriation.

The Kentucky Board of Dentistry is the licensing agency for dentists and dental hygienists and is responsible for administering the Dental Practice Act. The board also answers questions concerning the Dental Practice Act and promotes dentistry in general.

### NEW BOARD MEMBERS APPOINTED BY GOVERNOR FLETCHER



Jim Allen, D.M.D., of Prospect, KY, has been appointed to the Kentucky Board of Dentistry by Governor Ernie Fletcher for a term of four years, expiring June 30, 2010. Dr. Allen replaces Susan Feeley, D.D.S. of Crestwood, KY, who served on the board for the past four years.

Hank Sleet, D.M.D., M.D., of Florence, KY, has been appointed to the Kentucky Board of Dentistry by Governor Ernie Fletcher for a term of four years, expiring June 30, 2010. Dr. Sleet replaces Darlene Sand Wall, D.M.D., of Crestview Hills, KY, who served on the board for the past eight years.

Dianne Embry, R.D.H., of Bowling Green, KY, has been appointed to the Kentucky Board of Dentistry by Governor Ernie Fletcher for a term of four years, expiring June 30, 2010. Ms. Embry replaces Mary Ann Burch, R.D.H. of Frankfort, KY, who served on the board for the past eight years.

## EXECUTIVE DIRECTOR APPOINTMENT

Eric T. Clark was appointed as the Executive Director of the Kentucky Board of Dentistry effective July 1, 2006. He replaces Gary Munsie who was the Executive Director of the board for the past 13 years. Mr. Clark has a Masters Degree in Public Administration from Kentucky State University and was employed by the Legislative Research Commission prior to his appointment to the board. The board welcomes Eric and wishes him well in his appointment as Executive Director.

## **CPR/BLS CERTIFICATION**

The board often receives inquiries regarding when a dentist or dental hygienist should renew their CPR or BLS certificates. The board does not mandate when CPR or BLS certificates are to be renewed, but the board does require licensees to maintain current certification at all times. The official certification card issued by the board provides an expiration date. Licensees should renew their CPR or BLS certificates before the expiration date provided on their official certificate. Section 2(1)(b) of 201 KAR 8:140 requires all dentists and dental hygienists to maintain certification in CPR or BLS. Failure to maintain certification in CPR or BLS is a cause for the board to take disciplinary action against a dentist or dental hygienist.

## **INFORMED CONSENT AND CONSENT FORMS FOR DENTAL PROCEDURES**

Section 1 of 201 KAR 8:430 states ““Informed Consent” means that, except in an emergency situation where consent of the patient cannot reasonably be obtained before the provision of dental services, a patient has:

- (1) An understanding of the:
  - (a) Procedure and medically or dentally acceptable alternative procedures or treatments; and
  - (b) Substantial risks and hazards inherent in the proposed treatment or procedures; and
- (2) Consented to the provision of dental services. “

All patients must sign a consent form that explains the dental procedures being performed prior to the rendering of such services. The board suggests adding a provision to a consent form that establishes the dental procedure for addressing other problems that may arise from the consented treatment. This additional provision should be construed to allow the dentist to address other such problems and complications during the course of consented treatment without the patient having to sign another consent form prior to those problems being addressed.

### **REPORTING A CHANGE OF MAILING ADDRESS AND BUSINESS ADDRESS**

**Please make sure to inform the board in writing of any change of mailing and business address.**

**The board needs to maintain a current mailing and business address in order to relay appropriate correspondence and information to its licensees.**

**The act of not informing the board of a change of mailing or business address provides cause for the board to take disciplinary action against a dentist or dental hygienist. KRS 313.080(5) and 313.305(5) requires: "Each dentist/dental hygienist licensed to practice under this chapter shall notify the board in writing of any change in the licensee's name, office address, or employment within ten (10) days after the change has taken place."**

**A change of address form is provided in this newsletter. Please mail or fax this form to:**

**Kentucky Board of Dentistry  
10101 Linn Station Road, Suite 540  
Louisville Kentucky 40223  
Fax: (502) 429-7282**

### **CONTINUING EDUCATION CREDIT FOR TAKING THE DENTAL JURISPRUDENCE EXAM**

On March 10, 2006 the board approved a motion to make the Kentucky Dental Jurisprudence Exam available on the board's website. One hour of category " C" continuing education credit will be granted to any licensee who completes this exam online.

There is no fee associated with taking this exam. Each licensee is responsible for printing the verification page and retaining it with their proof of continuing education. Please do NOT send the verification page to the board. This verification should be kept with other continuing education certificates and only sent to the board upon request.

Please check our website at [www.dentistry.ky.gov](http://www.dentistry.ky.gov) .

## **HIRING OF A DENTAL HYGIENIST**

The board is offering the following suggestions for a dentist who is seeking the employment of a dental hygienist in their office:

(1) Always request to see the original copy of the dental hygienist's renewal license and their framing license. There have been circumstances where a dental hygiene license was never observed by the dentist and the dental hygienist was not licensed in Kentucky. It is of utmost importance to observe the original license. There have been circumstances where only a copy of a license was provided to a dentist and that license was a forged copy of a current license. KRS 313.310(4)(a) states in full that, "The license for each dental hygienist shall be continuously displayed in a conspicuous place in the office where the licensee practices."

(2) During an interview, ask the dental hygienist if they have ever been disciplined by a dental board. When a licensee is disciplined, conditions may be put on their license through a settlement agreement or order of the board. It is important that an employing dentist know if there are any conditions on their prospective employees' licenses.

## **GENERAL SUPERVISION FOR DENTAL HYGIENISTS**

In 2002, KRS 313.310(3) was amended to allow dental hygienists to provide dental hygiene services when their supervising dentist is not physically present. Since this law was enacted, the Kentucky Board of Dentistry has investigated several complaints related to general supervision.

**PLEASE TAKE NOTE!** The board will investigate complaints regarding the inappropriate use of general supervision agreements. If the board can prove that violations of law exist, formal charges will be issued against the dentist and dental hygienist. The disciplinary action taken against the dentist and dental hygienist will be based upon the extent of the violations.

Pursuant to KRS 313.310(3) and (4) and 201 KAR 8:450, below are the requirements that shall be met in order for a dental hygienist to practice without the dentist being present:

(1) The dental hygienist shall: (a) have at least two (2) years and a minimum of three thousand (3,000) hours of experience in the practice of dental hygiene; (b) complete a medical emergency course approved by the board; (c) obtain approval from the board by having their supervising dentist complete and submit the "Dental Hygiene-GS"

form; and (d) only provide the services that are established in KRS 313.010(3).

(2) An oral examination of the patient shall have been completed by the supervising dentist within the previous seven (7) months prior to the treatment by the hygienist practicing under general supervision.

(3) A patient shall be notified three (3) business days in advance of an appointment for dental hygiene services when the supervising dentist will be absent from the location. The patient shall be required to sign an informed consent form, prior to the treatment by the dental hygienist, acknowledging the dentist's absence.

(4) The dentist shall complete a written order prescribing the dental service or procedure to be performed on a specific patient by the dental hygienist. The original order from the supervising dentist shall be retained in the patient's dental record.

The written order shall include:

1. Medical history update
2. Radiographic records requested
3. Dental hygiene procedures requested
4. Name of the patient
5. Date of last oral exam
6. Date of the written order
7. Signature of the dentist

The details of a written work order are very important. All 7 seven requirements **MUST** be in place. Any missing information or failure to follow these guidelines may result in disciplinary action being taken against the employing dentist and dental hygienist.

Please contact the board if you have any questions regarding general supervision requirements.

<b>Number of Hygienists with general supervision approval</b>	<b>663</b>
<b>Number of Hygienists with local anesthesia certificates</b>	<b>512</b>
<b>Number of Dental Assistants with coronal polishing certificates.</b>	<b>978</b>

## **THE USE OF LASER TECHNOLOGY IN THE PRACTICE OF DENTISTRY**

The board often receives questions regarding who may use laser technology in the practice of dentistry. In consultation with the Office of the Attorney General, which provides legal representation to the board, the board is of the opinion that the use of lasers meets the definition of “practicing dentistry” pursuant to KRS 313.010(2). The use of lasers does not meet the definition of “dental hygiene” pursuant to KRS 313.010(3). While some lasers are designed only to “treat human teeth by scaling, polishing, planing and removing therefrom calcareous deposits”, these relatively low-powered lasers are of such a nature that their misuse can do serious damage to a patient’s mouth, even more so than traditional dental instruments.

201 KAR 8:135 governs the use of dental assistants in Kentucky. This regulation allows dentists to delegate to dental assistants “procedures for which the dentist exercises direct supervision and full responsibility” with the exception, in part, of procedures requiring professional judgment and skill, procedures defined by law as the practice of dental hygiene, and procedures involving injectable medication or anesthesia. The board interprets this regulation to prohibit the use of lasers by dental assistants because the use of any laser requires “professional judgment and skill.”

The board is of the opinion that the focus on dental instruments and devices should be on the ends that the practitioner achieves, rather than the means used to achieve them. The use of laser devices should be left to the professional judgment of the dentist. However, the board is also aware that various curing lights of differing power are widely available. Curing lights are not lasers and this opinion of the board does not apply to the use of curing lights used only to cure light-cured materials.

## **CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OF DENTAL OR DENTAL HYGIENE LICENSE**

All dentists and dental hygienists are required to obtain 30 hours of continuing education (CE) every license renewal cycle. Below is an explanation of the three CE categories that are required.

### **Category A – CPR or BLS**

All licensees are required to maintain current certification in CPR or BLS. These hours do not count toward the required 30 hours.

### **Category B – Scientific Presentation Courses**

All licensees must have at least 20 hours of scientific CE, which relate directly to dentistry and are provided in a presentation format. All 30 hours of CE can be obtained in category B, but not less than 20 hours. Presentation format means that there is a person giving a live presentation.

### **Category C - Other**

Category C CE hours are optional. Licensees do not have to take category C CE hours. If a licensee chooses to take category C CE hours, the licensee cannot count more than 10 hours toward the 30 hour requirement. Category C hours can be obtained from any of the following:

1. Business
2. Home Study courses
3. Magazine or Journal Articles
4. Computer or Video Articles
5. Non-dental health related courses

All licensees must keep verification of their compliance with CE requirements for 5 years. A licensee who obtains more than the required 30 hours of CE during the renewal cycle cannot carry the extra CE credits over to the next renewal cycle.

## **LICENSURE STATISTICS FOR 2006**

### **DENTISTS**

Dentists Licensed in 2006	115
Total Number Licensed in KY	3021
Total Number Practicing in KY	2350

General Dentists	2581
Endodontics	32
Oral Pathology	3
Oral Surgery	117
Orthodontics	145
Pedodontics	75
Periodontics	49
Prosthodontics	18
Oral Maxillofacial Radiology	2

### **HYGIENISTS**

Hygienists Licensed in 2006	116
Total Number Licensed in KY	2120
Total Number Practicing in KY	1803

**KENTUCKY BOARD OF DENTISTRY  
10101 LINN STATION ROAD, SUITE 540  
LOUISVILLE, KY 40223**

**CHANGE OF ADDRESS FORM**

**Name** \_\_\_\_\_ **License No.** \_\_\_\_\_ ☐ **Dentist** ☐ **Hygienist**

**(For Dentist Only) - Preferred Mailing Address** ☐ **Business** ☐ **Residence**

**Business Address:**

**Name of Business (if applicable)** \_\_\_\_\_

**Address** \_\_\_\_\_

**City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Phone** \_\_\_\_\_ **KY County** \_\_\_\_\_

**Residence Address:**

**Address** \_\_\_\_\_

**City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Phone** \_\_\_\_\_ **KY County** \_\_\_\_\_

## **BOARD DISCIPLINARY ACTIONS FOR MAY, 2006 – SEPTEMBER, 2006**

The following is a summary of disciplinary actions taken by the Board. It is intended as a summary for information purposes only. All information is believed to be accurate. However, complete terms of each disciplinary action are contained in the Board's records.

### **Atteyat E. Hadizadeh, D.M.D., Lagrange, Kentucky July 14, 2006**

Incompetence or negligence by a failure to meet the minimum standards of performance in diagnosis and treatment, and failure to keep written dental records and medical history records that justify the course of treatment of the patient. Settlement Agreement. Admitted violating the law. Reprimand, Fine \$500.00, Reimbursement of Costs \$500.00, Repayment of \$1,400 to the patient. Voluntarily shall not perform endodontics, which shall become a permanent restriction unless remedial coursework is taken. Comply with all terms as set forth in Settlement Agreement.

### **Steward L. Jeffries, D.M.D. Louisville, Kentucky July 14, 2006**

Non-Compliance with Continuing Dental Education. Admitted violating the law. Settlement Agreement. \$500 costs. \$1400.00 fine. Make up continuing dental education. Comply with all terms as set forth in Settlement Agreement.

### **Earlene Green, D.M.D., Danville, Kentucky July 14, 2006**

Performing conscious sedation without a current anesthesia permit. Settlement Agreement. Admitted violating the law. Reprimand. Seven (7) years probation. Fine \$2500.00, Costs \$500.00. Twice per year monitoring of practice with costs. Comply with all terms as set forth in Settlement Agreement.

### **Robert Skiles, D.M.D., Louisville, Kentucky July 14, 2006**

Violation of an Order of the Board by failing to meet a continuing education requirement as contained in a prior Settlement Agreement of the Board. Settlement Agreement. Admitted violating the law. Reprimand. \$100.00 Fine. Make up continuing dental education. Comply with all terms as set forth in Settlement Agreement.

### **Michael S. Smith, D.M.D., Frankfort, Kentucky May 12, 2006**

Addiction to a drug habit. Prescribing a scheduled drug other than in the course of the professional practice of

the dentist. Prescribing in inappropriate amounts or quantities not in the best interest of the patient. Prescribing scheduled drugs to himself. Not qualifying and meeting the standards to perform enteral sedation for patients 13 years and older. Settlement Agreement. Admitted violating the law. 5 years suspension, probated for 5 years. DEA surrender for 5 years. Well-Being Committee for 5 years. Comply with all terms as set forth in Settlement Agreement.

### **Kwangt Lee, Radcliff Kentucky July, 2006**

Alleged Practice of dentistry without a Kentucky license by making gold teeth for cosmetic purposes or by providing the impression tray and taking the impression of the patient to do so. Cease and Desist Order.

### **Douglas C. Clark, D.M.D., Erlanger, Kentucky September 9, 2006**

Violation of an Order of the Board by failing to meet a continuing education requirement as contained in a prior Settlement Agreement of the Board. Settlement Agreement. Admitted violating the law. Reprimand. \$200.00 Fine. Make up continuing dental education. Comply with all terms as set forth in Settlement Agreement. Fourth disciplinary action.

### **Douglas C. Clark, D.M.D., Erlanger, Kentucky September 9, 2006**

Non-Compliance with Continuing Dental Education. Admitted violating the law. Settlement Agreement. \$500 costs. \$3,200.00 fine. Make up continuing dental education. Comply with all terms as set forth in Settlement Agreement. Fifth disciplinary action.

### **Tracy Povill, R.D.H., Pee Wee Valley, Kentucky September 9, 2006**

Gross negligence in her profession. Final Order based upon default for failure to contest the charge. Indefinite suspension which may be stayed if terms and conditions are complied with, including Well-Being Committee participation. Comply with all terms and conditions of Final Order.